

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

BANC OF AMERICA INVESTMENT)	
SERVICES INC.,)	
)	
	Plaintiff,	
vs.)	Case No. 06-0714-CV-W-FJG
)	
BART AARON MARTIN,)	
)	
	Defendant.	

ORDER

Pending before the Court is plaintiff Banc of America Investment Services, Inc.'s Motion for Preliminary Injunction (Doc. No. 2). The Court finds as follows:

i. BAI's Motion for a Preliminary Injunction is currently set to be heard on September 18, 2006.

ii. Without admission or denial of the facts alleged in any of the pleadings, the Defendant agrees to the entry of a preliminary injunction and consents to the entry of this Order.

iii. By agreeing to the preliminary injunction and consenting to the entry of this Order, Defendant is not admitting liability nor any allegations of the complaint or other pleadings, and neither party is prevented from making any and all arguments available at the arbitration hearing.

IT IS HEREBY ORDERED AND DECREED THAT:

iv. Effective September 18, 2006, at 9:00 a.m., Defendant is immediately enjoined and restrained jointly and severally, directly or indirectly, and whether alone or in

concert with others, including any officer, agent, employee, and/or representative of Defendant's present employer, UBS, until such time as an NASD arbitration panel convened pursuant to Code of Arbitration Procedure 10335(b)(1) shall rule on its continuance in the arbitration proceeding filed contemporaneously with this action, from doing any of the following:

a) soliciting any business from, or initiating any further contact or communication with, any client whom Defendant served while employed by BAI or whose name became known to Defendant as a result of his employment by BAI, including for the purpose of advising any clients of his new affiliation or for the purpose of inviting, encouraging, or requesting the transfer of any accounts from BAI (excluding members of Defendant's immediate family and relatives):

b) using, disclosing, or transmitting for any purpose, including the solicitation of clients, the information contained in and derived from the records of BAI, including but not limited to the names, addresses, telephone numbers and financial information pertaining to customers served by Defendant while employed by BAI; and

c) destroying, erasing or otherwise making unavailable for further proceedings in this matter, or in any arbitration proceeding between the parties, any records or documents (including data or information maintained in computer media) in Defendant's possession or control which were obtained from or contain information derived from any BAI records, which pertain to customers served by Defendant while employed by BAI or whose name became known to Defendant as a result employment by BAI, or which relate to any of the events alleged in the Complaint in this action.

v. This Order remains in full force and effect only until such time as an NASD

arbitration panel convened pursuant to Code of Arbitration Procedure 10335(b)(1) shall rule on its continuance, and the arbitration panel shall have full power to modify, amend or dissolve this Order.

vi. Pursuant to the requirements of sections 3 and 4 of the Federal Arbitration Act, 9 U.S.C. §§ 3-4, the parties are directed to proceed toward an expedited arbitration hearing on the merits before a duly appointed panel of arbitrators in accordance with Rule 10335(b)(1) of the National Association of Securities Dealers Code of Arbitration Procedure. Accordingly, this matter is **STAYED** pending arbitration. **The parties shall file a joint report as to the status of the arbitration on or before November 15, 2006, and every two months thereafter until the arbitration has been completed.**

vii. As a result of this Order, the September 18, 2006 hearing on BAI's Motion for Preliminary Injunction is cancelled.

IT IS SO ORDERED.

Dated: September 20, 2006
Kansas City, Missouri

/s/Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
United States District Judge